

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Cardiac Pacemakers, Inc.; and  
Guidant Sales Corporation,

Civil No. 04-4048 (DWF/FLN)

Plaintiffs,

v.

**ORDER**

Aspen II Holding Company, Inc.,  
d/b/a/ Aspen Healthcare Metrics, LLC,

Defendant,

and

Public Citizen,

Intervenor.

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Craig S. Coleman, Esq., John H. Hinderaker, Esq., Gerard M. Nolting, Esq., and Jonathan W. Dettmann, Esq., Faegre & Benson LLP, counsel for Plaintiffs.

Douglas R. Boettge, Esq., Byron E. Starns, Esq., and Lawrence J. Field, Esq., Leonard Street and Deinard; and Norman K. Beck, Esq., Monika M. Blacha, Esq., Josh Goldberg, Esq., Sheri Klintworth Rudberg, Esq., Timothy J. Rivelli, Esq., Dan K. Webb, Esq., and Kevin Banaski, Esq., Winston & Strawn, counsel for Defendant.

Paul A. Levy, Esq., Public Citizen Litigation Group, and Mark R. Anfinson, Esq., Anfinson Law Office, counsel for Intervenor.

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1. For the reasons set forth in the Court's October 24, 2006 Order, the Court orders that Exhibits 37 and 38 attached to the Affidavit of Douglas Boettge (Doc. No. 167) remain sealed. The Court has reviewed those documents and finds that they include confidential and proprietary commercial information.

2. Consistent with the Court's October 24, 2006 Order, the Court orders that Exhibits 52, 64, 65, and 68 attached to the Affidavit of Craig S. Coleman (Doc. No. 159) be partially unsealed consistent with the proposed redactions that Guidant submitted to the Court on November 2, 2006. The Court has reviewed Guidant's proposed redactions to these exhibits and finds that the proposed redactions cover only confidential pricing information.

Dated: November 9, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court